

1 WILLIAM R. TAMAYO - #084965 (CA)  
JONATHAN T. PECK -- #12303 (VA)  
2 DAVID F. OFFEN-BROWN - #63321 (CA)  
CINDY O'HARA -- #114555 (CA)  
3 EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
4 San Francisco District Office  
350 The Embarcadero, Suite 500  
5 San Francisco, California 94105-1260  
Telephone: (415) 625-5653  
6 Facsimile: (415) 625-5657

7 Attorneys for Plaintiff EEOC

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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

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12 **EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
13 )  
Plaintiff, )  
14 )  
v. )  
15 )  
**MID VALLEY LABOR SERVICES, INC.,** )  
16 )  
Defendant. )  
17 \_\_\_\_\_

Civil Action No. C-10-02560 JCS

**STIPULATION AND REQUEST RE:  
SCHEDULING;  
[proposed] ORDER**

18  
19 **RECITALS**

20 1. Pursuant to the Court's Case Management Order of November 15, 2010,  
21 mediation of this matter was to occur within ninety (90) days, in other words, by  
22 February 14, 2011.

23 2. On December 6, 2010, trial counsel for plaintiff Equal Employment  
24 Opportunity Commission, Cindy O'Hara, and trial counsel for Defendant Mid-Valley  
25 Labor Services, Inc., Douglas Tucker and Amanda Hebesha, (collectively referred to  
26 herein as "the parties") attended a telephonic conference with the Northern District's  
27 assigned mediator Sue Stott ("the mediator").

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3. In the December 6, 2010 conference, it was determined by the parties and the mediator that in order to have a successful and meaningful mediation, the parties would need additional time to conduct discovery and otherwise prepare for the mediation in this matter. On that basis, the parties stipulated and requested of the Court that the mediation deadline be continued to late March or early April, 2011. This request was granted by the Court by Order of December 14, 2010, and the case management conference then set for February 4, 2011 was rescheduled to May 6, 2011.

4. The parties have been unable to complete the discovery which they believe is necessary prior to meaningful mediation. As a result, the parties have conferred with the mediator, and, given the schedules of counsel and the mediator, are seeking dates to conduct the mediation in May or early June, 2011.

5. Based on the above, the parties hereby seek an extension of the date for mediation to be completed until June 13, 2011. The parties also seek to have the May 6, 2011 case management conference continued to June 17, 2011, to allow for the completion of mediation prior to the conference.

#### **STIPULATION AND REQUEST**

The parties to this matter, Plaintiff Equal Employment Opportunity Commission and Defendant Mid-Valley Labor Services, Inc., through their respective counsel, hereby stipulate and request the following:

1. That the mediation deadline in this matter be moved to no later than June 13, 2011.

2. As a result of the change in the date of the mediation, the Further Case Management Conference currently scheduled for May 6, 2011 at 1:30 p.m., be continued until June 17, 2011 at 1:30 p.m.

E filing concurrence: I, Cindy O'Hara, counsel for Plaintiff EEOC, certify that I have consulted with Defendant's counsel Douglas Tucker and that he concurs in the filing of this stipulation and request.

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1 Dated: April 22, 2011

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

2  
3 By: /s/ Cindy O'Hara  
Cindy O'Hara  
4 Attorney for Plaintiff  
5 Equal Employment Opportunity  
Commission

6 Dated: April 22, 2011

MOSS, TUCKER, CHIU, HEBESHA & WARD  
A Professional Corporation

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8  
9 By: /s/ Douglas Tucker  
10 Douglas Tucker  
11 Attorneys for Defendant  
12 Mid-Valley Labor Services, Inc.

13 **ORDER**

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15 Upon reading the foregoing Stipulation of the Parties, and good cause appearing therefore,

16 **IT IS HEREBY ORDERED:**

- 17 1. The mediation in this matter will be completed not later than June 13, 2011; and
- 18 2. The Further Case Management Conference currently scheduled for May 6, 2011 at
- 19 1:30 p.m., shall be continued to June 17, 2011 at 1:30 p.m.

20 Dated: April 25, 2011

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U.S. District Court  
Southern District of California

Judge Joseph C. Spero

